UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA Case No. 1:24-cv-00612-KES-SAB GLORIA MAZARIEGO, ORDER REQUIRING DEFENDANTS Plaintiffs, WALMART, INC. AND WAL-MART REAL ESTATE BUSINESS TRUST TO FILE NOTICE v. ADDRESSING STATUS OF DEFENDANT WALMART WALMART, et al., FIVE DAY DEADLINE Defendants. On July 3, 2023, Plaintiff filed the complaint in this action in Fresno County Superior

On July 3, 2023, Plaintiff filed the complaint in this action in Fresno County Superior Court against (1) Walmart, "a business organization, form unknown"; (2) Walmart, Inc., (3) Wal-Mart Real Estate Business Trust ("Wal-Mart Trust"); and (4) DOES 1-100. (ECF No. 1-1 at 3-7.) On May 22, 2024, only two named Defendants—Walmart Inc. and Wal-Mart Trust—filed a notice of removal. (ECF No. 1.) On June 13, 2024, Plaintiff filed a motion to remand and an application for leave to file a first amended complaint at a later time. (ECF Nos. 4, 5.) The pending motions were referred to the undersigned for the preparation of findings and recommendations. (ECF No. 7.) The motions are fully briefed, and the hearing is currently set for August 7, 2024.

The notice of removal filed by Defendants Walmart, Inc. and Wal-Mart Trust provides no information as to the status of named Defendant Walmart, sued as "a business organization, form

unknown." (See ECF No. 1 at 5-6; ECF No. 1-1 at 4.) The acknowledgment of receipt of
service dated April 24, 2024 indicates counsel for Defendant only represents Walmart, Inc. (ECF
No. 1-2 at 2); however, the notice of removal states the same counsel represents both Walmart,
Inc. and Wal-Mart Trust. (ECF No. 1.) It is unclear whether counsel for Defendants Walmart,
Inc. and Wal-Mart Trust also represent Defendant Walmart or if appearing Defendants otherwise
have information or belief whether Defendant Walmart has been served. The Court shall
therefore order Defendants to file a notice informing the Court as to the status, if known, of
Defendant Walmart.
Accordingly, IT IS HEREBY ORDERED that:
1. Within five (5) days from the date of entry of this order, Defendants Walmart, Inc.
and Wal-Mart Real Estate Business Trust shall file a notice addressing the status of
Defendant Walmart; and
2. Failure to comply with this order may result in the issuance of sanctions.

IT IS SO ORDERED.

Dated: **July 24, 2024**

UNITED STATES MAGISTRATE JUDGE

¹ In Defendants' briefing in the pending motion to remand, Defendants Walmart Inc. and Wal-Mart Trust omit acknowledgment of the third named Defendant. (See, e.g., ECF No. 9 at 10 ("At the time that Defendant removed this action to federal court, there were only three parties properly named in this suit: Plaintiff, an individual, Walmart, Inc., a Delaware and Arkansas corporation, and Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust with its principal place of business in Arkansas").)